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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/612,389	07/02/2003	Seung Don Seo	U 014702-2	3205

140 7590 08/08/2006

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NEW YORK, NY 10023

EXAMINER

DWIVEDI, VIKANSHA S

ART UNIT	PAPER NUMBER
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3746

DATE MAILED: 08/08/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/612,389

Applicant(s)

SEO, SEUNG DON

Examiner

Vikansha S. Dwivedi

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 May 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 02 July 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Office Action Introduction

1. This office action is in response to the amendments of 5/15/2006. In making the below rejections and/or objections the examiner has considered and addressed each of the applicants arguments. Claims 1-10 are pending, claims 1-10 are under current consideration. Claim 1 has been amended. New Claims 7-10 have been added.

Response to Amendment

2. The objection to the title is hereby withdrawn in view of applicant's amendments.
3. The amendments to the Specification (Abstract) are improper. The abstract of the disclosure is objected to because the next abstract text does not show all the changes relative to the previous version. Correction is required. See MPEP § 608.01(b). Proper amendments that are in Compliance with 37 CFR 1.121 (b)(1)(ii) require that the full text of any replacement be provided with markings to show all the changes relative to the previous version.

Response to Arguments

4. Applicant's arguments filed 5/15/2006 have been fully considered but they are not persuasive. As shown in Figure 4 of Seo (Korean Publication KR 2002-013355) the upper shell 143 includes a part 145, which is formed on the upper shell to increase the rigidity of upper shell 143 and in particular portion 143c. As disclosed by the applicant part 41 is analogous to 143c (Seo '355), because 41 is welded to the shell and is rigid. The crankshaft stopper/dampening unit of Seo ('355) is located at a position very similar to the dampening unit (as shown in applicant's disclosed IDS, Patent Application

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Publication number US2001/0021350 A1). The crankshaft stopper/dampening unit of Seo ('355) has the structure and location as disclosed by the applicant. While features of an apparatus may be recited either structurally or functionally, claims directed to an apparatus must be distinguished from the prior art in terms of structure rather than function, because apparatus claims cover what a device is, not what a device does. Thus, if a prior art structure is capable of performing the intended use as recited in the preamble, or elsewhere in a claim, then it meets the claim. The crankshaft stopper/dampening unit is capable of being used as a noise dampener as it has the structure and position claimed by the applicant. It is further noted that Applicant's IDS has the motivation for providing a dampening unit at that location and only thing that was lacking was the structure as claimed by the applicant.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claim 1-3 are rejected under 35 U.S.C. 102(b) as being anticipated by Seo (Korean Publication Number 2002013355).

Seo ('355) discloses a hermetic compressor (Shown in Figure 1) that has a hermetic casing (140, figure 1) to house a drive unit (Shown in Figure 1) to generate drive power (Shown in Figure 1) and a compression unit (120, Shown in Figure 1) to suck and

compress the refrigerant gas and a damping unit (The top most embossed section shown in Figure 1, 145 and 143c). With respect to applicant's amendment "coupled to the casing" the crankshaft stopper/dampening unit of Seo ('355) is connected to the casing, Seo ('355) further discloses that the casing of the hermetic compressor comprises of lower (141, Figure 1) and bottom (143, Figure 1) parts and had 1 damping unit (As shown in Figure 1). In addition, Seo ('355) discloses that the damping unit has a mounting part and elastic support part as shown in Figures 2 and 3. Mounting part is the raised outer edge that connects upper shell (143) and the portion (145) and it is integrally formed to elastically support the structure.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kim (US Patent application publication US2001/0021350 A1) in view of Seo (Korean Publication Number 2002013355).

Kim discloses a hermetic compressor (As shown in Figure 1), comprising: a hermetic casing (10) to house therein a drive unit to generate a drive power and a compression unit to suck and compress a gas refrigerant by use of the drive power output from the drive unit (Page 2, Column 1, Detailed description of the preferred embodiment); and a damping unit (40) to elastically support the hermetic casing with predetermined

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elasticity, thus changing a resonant frequency of the hermetic casing; wherein the hermetic casing comprises upper and lower casing parts assembled into a single body (Upper and lower shells 11 and 12), and the damping unit is provided at, at least one of the upper and lower casing parts (Figure 1); wherein the damping unit comprises: a mounting part at which the damping unit is mounted to the hermetic casing (Crankshaft stopper 50); and an elastic support part provided in a state of being elastically deformed to elastically support the hermetic casing (Combination of 40 and 50); wherein the mounting part (50) of the damping unit is mounted to the hermetic casing through a spot welding process (Page 2 Column 2, discloses that 40 is adhered to shell 11 by welding); wherein the elastic support part (42) comprises a flange part projected in a direction to a length which exceeds a plane aligned with a surface of the mounting part (Figure 2 and 3), the flange part thus elastically supporting the hermetic casing in the state of being elastically deformed. Kim does not disclose an elastic support part that comprises of a wing part to connect the flange part to the mounting part, the wing part being rounded in a direction opposite to a projected direction of the flange part. Seo ('355) discloses an elastic support part that comprises of a wing part (145) to connect the flange part (ends of part 145 as Shown in Figure 4) to the mounting part (143c), the wing part being rounded in a direction opposite to a projected direction of the flange part (Figure 4) and the said elastic part includes two rounded wing parts (Figure 4) extending in opposite directions. At the time of invention was made, it would have been obvious, to one of ordinary skill in the art, to use the teachings of Kim to design a noise dampener in view

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of the shape of stopper/dampener as disclosed by Seo ('355) to come up with a design that is easier to install and manufacture.

Conclusion

1. Claims 1-10 are rejected.
2. No Claims are allowed.

New Grounds of Rejection Non-final


Since new grounds of rejection have been made, this office action is being made non-final to afford the applicant the opportunity to respond to the new grounds of rejection.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Vikansha S. Dwivedi whose telephone number is 571-272-7834. The examiner can normally be reached on M-F, 8-4.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Timothy S. Thorpe can be reached on 571-272-4444. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Vikansha
VSD


ANTHONY D. STASHICK
PRIMARY EXAMINER